

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1173-01
Bill No.: SB 322
Subject: Crimes and Punishment; Criminal Procedure; Department of Corrections
Type: Original
Date: February 12, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Prosecution Services** assume the costs to prosecutors could be absorbed within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume existing staff could provide representation for those 15 to 20 cases arising where indigent persons were charged with repeat sexual misconduct. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases. The SPD provided representation in 182 sexual misconduct cases in Fiscal Year 2000.

Officials from the **Department of Corrections (DOC)** assume the proposal changes third and subsequent convictions or guilty pleas of sexual misconduct from a class A misdemeanor to a class D felony. In FY00, there was one new opening for sexual misconduct 2 and one case for being supervised at the end of FY00. There were no openings or cases supervised for sexual misconduct 2, prior offender.

The DOC assumes an increase in commitments would depend on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY99 average of \$35.61 per inmate, per day) or through supervision provided by the Board of Probation and Parole (FY99 average of \$2.47 per offender, per day).

The following factors and data presented contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders;
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence;
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

The need for additional capital improvements is not anticipated at this time. It must be noted that the cumulative effect of various new legislation, if passed into law, could result in the need for additional capital improvements funding if the total number of new offenders exceeds current ASSUMPTION (continued)

planned capacity.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but given the small number of cases, it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Oversight assumes this proposal would have minimal impact on the prison or probation populations. The exact cost cannot be determined, but is expected to be less than \$100,000 annually.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u> Incarceration/Probation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
 <u>FISCAL IMPACT - Local Government</u>	 FY 2002 (10 Mo.)	 FY 2003	 FY 2004
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

Chapter 566.093 describes the crime of sexual misconduct, which is punishable as a class B misdemeanor, or a class A misdemeanor for persons who have previously pled guilty to or been convicted of the provisions in Chapter 566.093. This proposal makes it punishable as a class D felony, for persons who have twice previously pled guilty to or been convicted of the provisions in Chapter 566.093.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

L.R. No. 1173-01
Bill No. SB 322
Page 4 of 4
February 12, 2001

Office of Prosecution Services
Office of State Public Defender
Department of Corrections
Office of State Courts Administrator

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with some loops and flourishes.

Jeanne Jarrett, CPA
Director

February 12, 2001